IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

OP.No. 11029 of 2000(K)

PETITIONER:

P.T. SIMON, ASST. ENGINEER (CIVIL), ENG. DEPT.,
UNIVERSITY OF CALICUT, UNIVERSITY CAMPUS,
P.O. CALICUT UNIVERSITY, MALAPPURAM (DT.).

BY ADV. SRI.PHILIP ANTONY CHACKO.

RESPONDENTS:
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1. **UNIVERSITY OF CALICUT, REPRESENTED BY ITS REGISTRAR, UNIVERSITY CAMPUS, P.O. CALICUT UNIVERSITY, MALAPPURAM (DT.).**

2. **REGISTRAR, UNIVERSITY OF CALICUT, UNIVERSITY CAMPUS, P.O. CALICUT UNIVERSITY, MALAPPURAM (DT.).**

3. **UNIVERSITY ENGINEER, ENGG. DEPT., UNIVERSITY OF CALICUT, UNIVERSITY CAMPUS, P.O. CALICUT UNIVERSITY, MALAPPURAM (DT).**

4. **U.C. ABOOACKER, ASST. ENGINEER (CIVIL), ENG. DEPT., UNIVERSITY OF CALICUT, UNIVERSITY CAMPUS, P.O. CALICUT UNIVERSITY, MALAPPURAM (DT.).**

BY ADV. SRI.E.S.ASHRAF, SC, CALICUT UNIVERSITY.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 18217/2000 IN O.P. NO. 11029/2000

DISMISSED

19/06/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER DTD. 08/11/77 ISSUED ON BEHALF OF THE R.2, ABOUT THE VARIOUS POSTS IN THE ENGINEERING DEPARTMENT OF THE R.1.

EXT.P.2: COPY OF THE ORDER DTD. 18/12/78 ISSUED ON BEHALF OF THE R.2, PROMOTING THE PETITIONER ALONG WITH OTHERS, AS JUNIOR ENGINEER.

EXT.P.3: COPY OF THE ORDER DTD. 25/12/88 ISSUED BY THE R.2. ON BEHALF OF VICE-CHANCELLOR REINSTATING THE PETITIONER, AFTER REDUCTION OF RANK ETC.

EXT.P.4: COPY OF THE ORDER DTD. 27/07/89 ISSUED ON BEHALF OF THE R.2. PROMOTING THE PETITIONER IN THE VACANCY OF SRI. TONY VARGHESE, ASST. ENGINEER.

EXT.P.5: COPY OF THE REPRESENTATION DTD. 31/01/1996, FILED BY THE PETITIONER, TO THE R.2.

EXT.P.6: COPY OF THE PETITION DTD. 21/08/90 FILED BY THE PETITIONER TO THE REGISTRAR.

EXT.P.7: COPY OF THE PETITION DTD. 22/08/90 SENT BY THE PETITIONER TO THE REGISTRAR.

EXT.P.8: COPY OF THE PETITION DTD. 28/09/91 FILED BY THE PETITIONER TO THE DEPUTY REGISTRAR.

EXT.P.9: COPY OF THE COMMUNICATION DTD. 01/11/91 SENT BY THE REGISTRAR TO THE PETITIONER.

EXT.P.10: COPY OF THE PETITION DTD. 18/11/91 SENT BY THE PETITIONER TO THE FINANCE OFFICER.

EXT.P.11: COPY OF THE PETITION DTD. 14/09/93 SENT BY THE PETITIONER TO THE FINANCE OFFICER.

O.P. NO. 11029/2000:

EXT.P.12: COPY OF THE ORDER DTD. 30/09/95 ISSUED BY THE REGISTRAR, CALICUT UNIVERSITY DECLARING THE PROBATION OF THE PETITIONER.

EXT.P.13: COPY OF THE PETITION DTD. 26/09/96 TO THE DEPUTY REGISTRAR OF ADMINISTRATION.

EXT.P.14: COPY OF THE R.P. OF G.O. (P). NO. 480/89/FIN. DTD. 01/11/1989 ISSUED BY THE GOVERNMENT OF KERALA.

EXT.P.15: COPY OF THE LETTER DTD. 06/01/95 ISSUED BY THE JOINT REGISTRAR, ADMINISTRATION, UNIVERSITY OF CALICUT.

EXT.P.16: COPY OF THE CHALAN NO. 86 DTD. 14/03/95 FOR RS. 25744/- PAID BY THE PETITIONER IN STATE BANK OF TRAVANCORE, THENHIPALAM BRANCH IN THE ACCOUNT OF THE R.1. UNIVERSITY.

EXT.P.17: COPY OF THE CHALAN NO. 87 DTD. 15/03/95 FOR RS. 11321/- PAID BY THE PETITIONER IN THE STATE BANK OF TRAVANCORE, THENHIPALAM BRANCH IN THE ACCOUNT OF THE R.1. UNIVERSITY.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.11029 OF 2000-K

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Dated this the 19th day of June, 2007.

JUDGMENT

The question whether the petitioner is entitled to a higher grade, to a large extent, dependent on the question whether he was entitled to a particular placement as sought for by him, which issue was pending before this Court in O.P.2556/1996 when the writ petition in hand was filed.

2. O.P.2556/1996 has been dismissed on 24-1-2005 holding that the petitioner's claim for seniority in the cadre of Assistant Engineer with effect from 15-1-1981 and his claim for promotion to the post of Assistant Executive Engineer on that basis, cannot be considered because, his promotion as Assistant Engineer is a fresh promotion and he can reckon his seniority only with effect from 27-7-1989. Under the aforesaid circumstances, the case of the petitioner for revision of his

grade can be determined only on the basis of his entitlement to placement as found in the aforesaid judgment.

In the aforesaid circumstances, this writ petition is disposed of directing that the competent among the respondents will issue an order in the light of the judgment dated 24-1-2005 in O.P.2556/1996 deciding on the claims raised by the petitioner. Let that be done within a period of four months from the date of receipt of a copy of this judgment.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.11029 of 2000-K

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JUDGMENT

Dated: 19th June, 2007.